

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

23 JUL 2004

To: Gotra, Stefano BUGNION S.P.A. Via Garibaldi, 22 I-43100 Parma ITALIE	Date of mailing (day/month/year) 16.06.2004	
Applicant's or agent's file reference 91.M1002WO36	REPLY DUE within 1 month(s) from the above date of mailing	
International application No. PCT/IT 02/00690	International filing date (day/month/year) 29.10.2002	Priority date (day/month/year) 24.01.2002
International Patent Classification (IPC) or both national classification and IPC A23L3/18		
Applicant SIG MANZINI S.P.A. et al.		

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The applicant is hereby **invited to reply to this opinion**.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 24.05.2004

Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Merkl, B Formalities officer (incl. extension of time limits) Ruiz Fernandez, J Telephone No. +49 89 2399-7960

Item V:

1. D1: EP-A-0 780 056 (NESTLE SA) 25 June 1997 (1997-06-25)
D2: GB-A-1 550 434 (KRAFTCO CORP) 15 August 1979 (1979-08-15)
D3: DE 199 02 610 C (STEPHAN & SOEHNE) 8 June 2000 (2000-06-08)
D4: GB 264 278 A (HARRY CHARLES DAVIS;MOLASSINE COMPANY LTD) 20 January 1927 (1927-01-20)
D5: EP-A-0 403 137 (GEN FOODS INC) 19 December 1990 (1990-12-19)
D6: US-A-5 906 853 (SMITH GARY F) 25 May 1999 (1999-05-25)
2. The claimed subject-matter is not novel (Art. 33(2) PCT). A method for sterilizing food products by injection of steam and mixing the heated product by means of a dynamic mixer is known from D1 (page 2, last line - page 3, line 2; drawings), D3 (page 1, lines 17-23), D4 (page 1, lines 13-88; drawings) and D6 (col. 4, line 51 - col. 5, line 26; drawings).
3. The problem of the present application has already been solved by the prior art cited under 2.. Therefore the requirements of inventive step (Art. 33(3) PCT) are not met. At present it is not apparent which part of the application might serve as a basis for a new and inventive subject-matter.
4. In order to facilitate the examination of the conformity in case of an amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to clearly identify the amendments carried out, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see also Rule 66.8(a) PCT).

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.

The amendments must not introduce subject-matter which extends beyond the content of the application as filed, contrary to Article 19(2) PCT.

I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-6 as originally filed

Claims, Numbers

1-6 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-6
Inventive step (IS)	Claims	1-6
Industrial applicability (IA)	Claims	

2. Citations and explanations

see separate sheet